

Docket No. 2026-4308US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): BUKH, Jens; YANAGI, Masayuki; EMERSON, Suzanne U.; and PURCELL, Robert H.  
Group Art Unit: TBA  
Int. Serial No.: PCT/US00/15293  
Examiner: TBA  
Int. Date: 02 June 2000 (02.06.2000)  
For: INFECTIOUS CDNA CLONE OF GB VIRUS B AND USES THEREOF

**INFORMATION DISCLOSURE STATEMENT**

ASST. COMMISSIONER OF PATENTS  
P.O. Box 2327  
Arlington, Virginia 22202  
Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof is enclosed.
2.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3.  Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
4.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

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- 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.

5.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

- A check in the amount of \$180.00 is enclosed in payment of the fee.
- Charge the fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.

8.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- a.  37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b.  37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the

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attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

c.  The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 10 below.

9.  I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10.  This document is accompanied by  a Search Report  Communication which was cited in a corresponding PCT Application No.: PCT/US00/15293 or  Foreign counterpart application

11.  A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).

Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

12.  The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4308US. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 3, 2001

By:

William S. Feiler  
Registration No. 26,728

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attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

c.  The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 10 below.

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## FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

Attorney Docket:  
2026-4308US  
Applicant:  
Buhk, J. et al.  
Filing Date:  
Herewith

Serial No.:  
PCT/US0015293  
Group Art Unit:  
TBA

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Patent Number	Publication Date	Country	Class	Sub-Class	Translation
		WO 95/21922	17 August 1995				<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER DOCUMENTS (Including Author, Title, Date, etc.)

		Buhk, Jens et al, "Toward a surrogate model for hepatitis C virus: An infectious molecular clone of the GB virus-B hepatitis agent." <i>Virology</i> 262:2 (pgs 470-478) Sept. 1999
		Butkiewicz, N. et al, "Virus specific cofactor requirement and chimeric hepatitis C virus/GB virus B nonstructural protein 3." <i>J. Virol</i> 74:9 (pgs 4291-4301) May 2000
		Honda, Masao et al, "A phylogenetically conserved stem loop structure at the 5' border of the internal ribosome entry site of hepatitis C virus is required for cap-independent viral translation." <i>Journal of Virology</i> 73:2 (pgs 1165-1174) Feb. 1999
		Sbardellati, Andrea et al "Identification of a novel sequence at the 3' end of the GB virus B genome." <i>Journal of Virology</i> 73:12 (pgs 10546-10550) Dec. 1999
		Scarselli, Elisa et al. "GB virus B and hepatitis C virus NS3 serine proteases share substrate specificity." <i>Journal of Virology</i> 71:7 (pgs 4985-4989) July 1997
		Yanagi, M et al, "Transcripts of a chimeric cDNA clone of hepatitis C virus genotype 1b are infectious in vivo" <i>Virology</i> 244:1 (pgs 161-172)
		Yanagi, Masayuki et al, "In vivo analysis of the 3' untranslated region of the hepatitis C virus after in vitro mutagenesis of an infectious cDNA clone." <i>Proceedings of the National Academy of Sciences of the United States</i> 96:5 (pgs 2291-2295) March 1999

Examiner	Date Considered
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	